

	Portales Police Department Standard Operating Procedure & Policy	SOP #	126.01		
		Date Revised:			
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1700 N. Boston St. Portales NM, 88130	Records	Effective Date			
(575) 356-4404		Approval:	Pat Gallegos, Chief of Police		

I. STATEMENT OF PURPOSE

It is the intent of this policy to establish and maintain a system for the orderly maintenance, preservation and release of records regularly maintained by the Records Section of the Portales Police Department as part of normal department operations.

II. DEFINITIONS

A record is defined as any report, paperwork, associated document or file generated by members of the Portales Police Department during the course of their duties and normally maintained in or by the Records Section, or documents generated by other criminal justice agencies when the original of such documents is maintained physically in or by the Portales Police Records Section, including, but not limited to:

- A. Case File: A file maintained in numerical sequence and consisting of a Criminal Incident Report, an Intelligence Report or a Crash Report.
- B. Confidential Record: A record which has been reviewed by a supervisor and determined to contain information that reveals confidential sources, methods or information, (as described in State Law) and has been marked Confidential by that supervisor.
- C. Criminal Incident Report: A report prepared when a prima facie showing of a violation of State or Municipal law occurring within the jurisdiction of the Portales Police Department is presented.
- D. Investigation Report: An Investigation Report is generated by the reporting officer and assigned to the Investigations Division Sergeant for follow-up on any active cases. This report routes to the Sergeant upon completion of the initial incident report.
- E. Intelligence Report: A report prepared when the circumstances of an event:

1. Constitute a violation of criminal law occurring outside the jurisdiction of the Portales Police Department;
 2. Violation of Federal Law;
 3. Any other event requiring more documentation than is provided by a Record Of Call; and
 4. Any other event where this type of report is specified by policy or directive.
- F. Arrest Report: A report prepared when a person is arrested for a violation of criminal law or pursuant to a valid arrest warrant.
- G. Felony Case File: A summary of a felony investigation and/or arrest that contains all documentation, audio, video, photographs, witness lists, evidence lists and any other documentation that is not contained within the initial incident report.
- H. Arrest Record/File: The numerical file assigned to an individual upon their first arrest, containing, as a minimum, the original Arrest Report (or intake), a copy of the criminal complaint (if any) and other associated documents related to the arrest(s).
- I. Protective Custody Report: A report prepared when a person is detained for a reason not amounting to a violation of criminal law, pursuant to valid authority (e.g. Mental Evaluation, Detoxification)
- J. Supplement: A report prepared subsequent to, or in addition to, the original report (by the same officer or other officers) that presents data not contained in the original report or case status updates.
- K. Crash Reports: State mandated or Private Property reports documenting the collision or other involvement of motor vehicles as required by law.
- L. Traffic Citations (UTC for moving violations, DWI for DWI violations): A document issued to motorists for the violation of a traffic or related law.
- M. Criminal Citation: A document issued in lieu of physical arrest for violations of certain petty misdemeanor criminal laws, as provided by law.
- N. Field Interview Card: A report prepared to document officer/citizen contact that does not warrant another type of report.
- O. Warrants: Court issued documents authorizing the physical arrest of particular persons for specific violations.
- P. Adjunct Records: Reports and records generated internally by the Police Department, but under the control of the Communication Center, including, but not limited to: logs of radio, teletype and telephone transactions maintained for

varying periods of time (includes audio tapes). NOTE: Requests for copies, review or other disclosure are governed under Subsection XIV.

- Q. Citizens of Portales have a right and a responsibility to report crimes to the Portales Police Department. Citizens have a right to file a formal complaint against officers who fail to handle citizens concerns.
- R. An officer will respond to all calls for service and take proper action or investigate all leads to ensure whether a crime has been committed. (Officers will not refuse a call for service.) All calls will be answered in a timely manner.

III. RECORD OF CALLS

For the purpose of this policy, the Portales Police ROC is defined as: A report generated by the communication operator once a call for service is received. The communication operator will obtain the following information:

Name, address, phone number, type of call, times and dates and a short narrative of the call for service. The operator will then dispatch an officer to the call. Once the officer takes action for the call for service, a case number is obtained if police report is taken.

IV. TYLER RECORDS MANAGEMENT SYSTEM

- A. The TYLER records management system (RMS) is compatible with the New Mexico Department of Public Safety criminal records system for Uniform Crime Reports.
- B. Officers have 24-hour access to the Portales Police Department Records system
- C. The Portales Police Department computer records system automatically flags juvenile arrest reports so they are not filed with adult offenders.
- D. TYLER RMS maintains an alphabetical master name index which cross references all documents which a person has been named.
- E. The computer records system will maintain the following:
 - Incidents by type
 - Incidents by location
 - Stolen, found, recovered and evidentiary property files

Record of call file
Arrest files
Addresses/locations
Crashes
Citations
Personnel data sheets
Automatic numbering system for incident files

V. FIELD REPORTING REQUIREMENTS

- A. Officers are required to submit the following reports
 - 1. Offense reports
 - 2. Supplemental
 - 3. Traffic crash
 - 4. Arrests
 - 5. Evidence forms
 - 6. Intelligence reports
 - 7. Protective Custody
 - 8. Animal bite reports
 - 9. Towed vehicle
 - 10. Felony Case Files
- B. All field reports will be typed into Portales Police Department records management system prior to the end of shift and will be approved by a supervisor and submitted as a record.
- C. All traffic crash reports will be typed into The Portales Police Department records management system by the officer or clerical personnel, a printed copy will be submitted to a supervisor for approval by the end of their shift. The Records Section will submit a typed copy of the crash report to Santa Fe and maintain the typed copy in the computer records system.
- D. All Felony Case Files will be completed after an arrest is made or warrant obtained and submitted prior to the end of the following shift unless the officer will begin days off. This report shall contain all information other than the approved initial incident report.
- E. The Records Section will be responsible for filling and maintaining reports, facsimiles and any other documents submitted to records.

VI. RECORDING ARREST INFORMATION

- A. Each arrest will be submitted into the computer records system under the appropriate case number.
- B. TYLER automatically generates a criminal history for each person

arrested.

VII. MAINTAINING A WARRANT AND WANTED

PERSONS FILE

- A. Warrants are obtained from the following:
 - 1. Federal Court
 - 2. District Court
 - 3. Magistrate Court
 - 4. Municipal Court
- B. Communications Operator will stamp the warrant with "Received" stamp and fill in with date and name of person receiving warrant.
- C. Communications Operator will fill out Warrant Notification/Cancellation form
- D. Communications Operator will enter the warrant into NCIC or NMCIC or both.
- E. Communications Operator will obtain a Triple I.
- F. All warrants which do not fall under the NCIC guidelines will be placed on a local warrant list.
- G. All warrants will be entered into the department computer data base and will remain in the system until served or cancelled.
- H. The warrants and the above information will be placed in a file folder and filed alphabetically in Communications Center.
- I. Information received from other jurisdictions on warrants will be verified by teletype. Upon service of warrant, a faxed copy will be received from originating jurisdiction.
- J. The notification/cancellation form will be signed by the arresting officer or communications operator. The communications operator will remove the warrant from NCIC, and file the notification/cancellation form.
- K. When the Communications Operator receives information from a law enforcement officer, they will verify all identifiers available before an arrest is made.

- L. Officers have 24 hours access to the warrant list, NCIC information, and NMCIC Information.

VIII. RECORDS RETENTION SCHEDULE

The Portales Police Department will follow the legal requirements for the State of New Mexico.

IX. RECORDS CONSIDERED PUBLIC RECORDS, GENERALLY:

- A. All records contained in case files maintained by the Records Section are considered public records by law and may be inspected by any person, or copies obtained pursuant to law, except as noted in the section “RECORDS CLOSED TO THE PUBLIC”. Arrest records/files are covered later in a specific section. Records defined as “ADJUNCT RECORDS” will be screened by the Chief of Police or his designee prior to release to insure that legally defined confidential material is not included in the release.

X. RECORDS CLOSED TO THE PUBLIC

Laws of the State of New Mexico provide that certain records are closed to public access and review. Records will be made available to the public in accordance with State Statute 14-2-1 NMSA.

XI. SEALED RECORDS POLICY

It is the intent of this policy to establish procedures for the court ordered sealing of records on current or prior offenders, which are, maintained by the Records Section of the Portales Police Department.

A. Definitions

1. Arrest Records/Files: The numerical file assigned to an individual upon their first arrest, containing at a minimum, the original Arrest Report (or the intake), a copy of the criminal complaint (if any) and other associated documents related to the arrest(s).
2. Sealing of Records: Action taken by the Portales Police Department Records personnel to prevent the inadvertent or intentional disclosure of criminal information ordered sealed by a court. Sealing does not mean the expungement or destruction of such information.
3. Expungement: The physical destruction of any said records. Portales Police Department records that are sealed are not destroyed.

B. PROCEDURES

1. The individual requesting a record/file be sealed must have the case evaluated by District Court or other court having jurisdiction.
2. Once a copy of the original District Court order has been received the following steps will be taken:
 - a. All paper work specified by the court order is placed in a manila envelope along with a copy of the court order. Any copies of the arrest paperwork that have been placed in the criminal incident report are also placed in the manila envelope.
 - b. The criminal incident report associated to the arrest being sealed is stamped "confidential" and a copy of the District Court Order is placed in the criminal incident report folder.
 - c. A notation is marked in the computer indicating the record/file has been sealed. The original arrest charge(s) is replaced to reflect the charge(s) "Sealed by District Court Order". The original statute number(s) is replaced to reflect 88-88-88, indicating sealed.
 - d. Portales Police Department Records will send a letter to District Court within thirty (30) days stating all records/files have been sealed in compliance with the court order. A copy of the letter is sealed in the manila envelope along with the original records.
 - e. The original Portales Police Department Records that was ordered sealed, along with the compliance letter will be physically placed inside of a manila envelope. The flap to the envelope will be sealed and then taped. The initials of the records clerk sealing the record/file will be written over the taped seal.
 - f. A notation will be made on the outside of the manila envelope "DO NOT OPEN PER COURT ORDER".
 - g. The copy of the court order is taped to the front of the manila envelope containing the sealed documents.
 - h. The sealed record/file is maintained by the Records Section, separately from all other arrest files. This file will remain sealed without public access until the "sealed order" is removed by the Governor.
- C. The same procedures are followed for Adult and Juvenile records/files. The record/file is only sealed by an order for a District Court or other court having jurisdiction.

D. Sealing the fingerprints and criminal histories:

1. Once the order has been received and the record/file has been sealed, the State of New Mexico and FBI must be notified to have the record removed from the individual's criminal history (rap sheet).
2. A letter is sent to the Department of Public Safety in Santa Fe and the FBI in West Virginia stating an order has been received to have a record/file sealed. The letter is to contain the name, date of birth, social security number, arrest date, arrest charge(s), of the individual whose record/file has been sealed and a copy of the court order.

- E. If there are any specific instructions regarding the sealing of the record or file outlined in the court order, the instructions in the court order will supersede our policy and will be followed.

XII. OPENING "CONFIDENTIAL" RECORDS

The Portales Police Department recognizes that certain "confidential" records may lose their statutory protection as the record ages or other events occur.

- A. If a file marked "confidential" is requested, the person receiving the request shall have the report reviewed by the Division Commander of the division originating the report.

XIII. ACCESS TO RECORDS BY OTHER AGENCIES

A. Records Available to Certain Agencies for Criminal Justice

Purposes

Records maintained by the Records Section of the Portales Police Department shall be provided, upon request or by policy, to other law enforcement agencies, criminal justice agencies or other lawfully authorized agencies for criminal justice purposes. If a Records Section employee has any reason to doubt that such requests are legitimate (such as for personal use or in other jobs like bill collecting) the requestor shall be asked to submit their request, in writing, to the Records Administrator or by teletype. Note: Children, Youth and Families is not considered Law Enforcement

B. Telephone and Fax Requests

Telephone requests by other agencies will be honored only if the Records

Section Employee is certain the call originates from that agency. If this is not known for certain, the request will be refused and the requestor asked to submit the request through the law enforcement teletype or radio systems for verification of the agency identity. FAX requests on letterhead stationary of the agency will also be honored.

XIV. RECORDS SECURITY

A. Statement of Policy

The Portales Police Department declares that an orderly system for the release of records requires that employees release record information only in accordance with specific policy. Information contained in records maintained in the Records Section shall only be released to persons outside this department in accordance with the specific provisions of this policy. Therefore, no employee shall divulge the contents of any police record except as herein provided.

EXCEPTION: Records Section personnel may release information contained on the Record of Calls to the news media. Requests for more information than what is contained in the Record of Calls shall be directed to the Chief of Police or designated Public Information Officer.

B. Removal of Original Records from the Records Section

The original of all records shall remain in the custody of the Records Section. When personnel need reports for court or other purposes, copies will be provided by Records Personnel through the authorized procedure. Records released to the public under these sections will similarly be done by copy. Specific approval of the Custodian of Records must be obtained before originals may be removed from the Records Section (Records Section supervisors are authorized to check out case files for officers' use in court when the case file is lengthy and would require extensive copying).

C. In order to maintain the integrity of the computerized records, only authorized employees have access through the use of user names issued by Computer Operations. An annual audit of the central records system is completed by Computer Operations for verification of passwords, access codes or access violations.

D. The Records Section is a controlled access area. Only authorized personnel may be in the Records Section. Authorized personnel include:

1. Lieutenant
2. Records Clerk(s)
3. Chief of Police

4. Chief's Executive Assistant
5. Sergeants
6. Evidence Custodian

E. The Records clerk is responsible for ensuring only authorized personnel have access to the Records Section.

XV. INSPECTION OF/OBTAINING COPIES OF PUBLIC RECORDS

A. Public Records Open

All records designated as "Public Records" are open for inspection by the public During posted business hours of the Records Section. Copies of "Public Records" may be purchased by the public pursuant to the posted fee schedule. Prior to records being inspected or copies being purchased, a "Request to Inspect" form will be completed. After completion of the form it will be placed in the report folder.

B. Inspection Process

Based on the legal significance of police records and to preserve the integrity of the record(s), original records will not be removed from the Records Section. Persons wishing to inspect Public Records may do so either in the presence of a Records Section Clerk or by purchasing copies.

C. Purchase of Copies of Public Records

Copies of Public Records may be purchased from the Records Section during posted business hours.

XVI. RELEASE OF ARREST RECORD INFORMATION

A. Statement of Policy & Content, Arrest Record Information

Arrest Records Files maintained by the Portales Police Department Records Section are the original record of all arrests made by Portales Police Personnel, and certain other agencies. Copies of records from other agencies (dispositions from courts, reports from other agencies, etc) are often obtained and included in Arrest Records Files. The original of those documents are retained by the originating agency. Therefore, the Portales Police Department makes no certification of the accuracy of the information contained in any document in any file that is not originated by the Portales Police Department. Such copies should be considered as "informational" only and questions concerning them should be directed to the originating agency.

B. Written Request/Authorization Required

A standard form for requesting arrest record information will be maintained in the Records Section and will be available to persons requesting such information. Requests on forms other than PPD forms will be honored as long as they meet the content requirements set forth elsewhere in this section. If the person has an arrest file, a copy of the request will be placed in the person's arrest file by Records personnel.

C. Release of Arrest Record Information

Arrest record/file information contained in the Portales Police Department Arrest files may be released under the following conditions:

1. Criminal Justice Agencies:

Arrest record information may be provided pursuant to requests from legitimate criminal justice agencies (law enforcement, military, courts, prosecutors, probation/parole, etc.) in accordance with the above section dealing with "ACCESS TO RECORDS BY OTHER AGENCIES". Public and private defenders are not authorized, except as indicated below and should be directed to contact the District Attorney to obtain the records, Children, Youth and Families is not considered a law enforcement agency.

2. Individuals:

Arrest records may be examined and copies obtained by the person named in the particular record, or by their counselor or their agent, provided:

- a. the person produces verification of identity by one or more of the following:
 - (1) government issued picture I.D.;
 - (2) comparison of arrest file identifiers with the person (fingerprints, handwriting, photos, identifying marks, etc.);
 - (3) by providing to a Notary Public such proof of identity as the notary may require to issue a notarized statement attesting to the person's identity; or
 - (4) personal knowledge of the person by Records Section or other police personnel.

- b. provides to their counselor agent a written and notarized authorization for counsel or agent to obtain arrest records and the authorization contains the full name, date of birth and any other numbers that may be necessary to establish positive identification (SSN, Driver's License, etc.); or
- c. by mail, provided the requestor submits notarized proof of identity as specified in (1) and/or notarized authorization for release to attorney/agent as specified in (2).

D. Information Supplied on Request

Persons submitting valid requests for arrest record information will be provided with arrest information contained in Portales Police Department arrest files concerning arrests where they were arrested by the Portales Police Department and our Records Section maintains the original reports of the event. No NCIC Interstate Identification Index (III) or other records from other agencies shall be provided to anyone not employed by a legitimate criminal justice agency and under the provisions of preceding sections.

E. Psychological and Detoxification Records Handled Separately

Mental Evaluation detentions and Detoxification detentions will not be included with Arrest Record reports. Persons wishing to obtain records of these types of detentions must apply specifically, in writing to the Records Administrator, for these records and must meet all of the above identification requirements.

F. Computer Records Used

Unless copies of the arrest record are specifically requested, a synopsis of the record showing the date of arrest(s), charge(s) and disposition (if contained in PPD records) will be given to the person requesting. If copies are requested, the standard copy charge will apply.

G. Challenges to Contents of Arrest Records/Files

Persons believing their arrest record contains incomplete or inaccurate information shall be directed to contact the Records Administrator to initiate a challenge to the content of the record as provided by law (29-10-8, NMSA 1978).

XVII. NCIC AND OTHER TELETYPE CRIMINAL HISTORIES (Refer to NCIC Policy also)

A. Dissemination Limited

The dissemination of NCIC Interstate Identification Index (III) records is

limited to criminal justice agencies by law. All transfers of NCIC III returns will be done by printed copy and the receiver must sign the NCIC III log. All NCIC III information is maintained by VRECC.

XVIII. OTHER TELETYPE RECORDS CONFIDENTIAL: (Refer to NCIC Policy also)

Information and records obtained via the police teletype system are confidential and shall not be disclosed to anyone outside criminal justice agencies without the approval of a Division Commander or higher (excludes all NCIC, which is covered above). For the purposes of this section, teletype records include, but are not limited to: vehicle registration checks, driver's license checks, informational teletypes, etc.

XIX. ACCESS TO ADJUNCT RECORDS (as defined in Subsection IIP)

These records are an indispensable source for criminal and internal investigations and training. Audio recordings of radio and telephone transmissions are maintained per the adopted retention schedule. These recordings are filed numerically by Julian date and maintained in the Communications Center. Only Communications Personnel will access these recordings.

- A. Requests from an outside agency or entity must be submitted in writing for specific adjunct records. This request will be forwarded to the Communications Supervisor.
 - 1. Any requests should specify the date, approximate time and location, incident or personnel involved.
 - 2. A copy of the request will be placed in the case file, if applicable, with the original request being forwarded to the Communications Supervisor.
- B. Requests from Department personnel must be submitted in writing for specific adjunct records. This request may be forwarded directly to the Communications Supervisor for retrieval.
 - 1. These requests should be limited to that information needed for legitimate business use, including internal or criminal investigations and training.
 - 2. A copy of the request will be placed in the case file, if applicable, with the original request being forwarded to the Communications Supervisor.

XX. ACCESS TO POLICE RECORDS POLICY REFERENCES

- A. New Mexico Statutes, Annotated, 1978 Comp.

1. Inspection of Public Records Act, 14-2-1 TO 14-2-12. (1993 Revision)
 2. Arrest Record Information Act, 29-10-1 TO 29-10-8.
 3. Mental Health Act. 43-1-19.
- B. National Crime Information Center (NCIC) Operating Manual
1. Maintained by dispatch
- C. New Mexico Law Enforcement Telecommunications System (NMLETS)
Operating Manual "System Security" Section.
1. Maintained by dispatch